

June 8, 2016

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Martin Wilson v. Duquesne Light Company
Docket No. F-2017-2605047

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Preliminary Objections to Formal Complaint filed by Martin Wilson. A copy of this document has been served upon Complainant in accordance with Commission regulations.

Sincerely,



Jeremy V. Farrell
Attorney for Duquesne Light Company

Lauren N. Rulli
Attorney for Duquesne Light Company

Enclosure

cc: Martin Wilson (with enclosure)
Frontier Utilities Northeast, LLC

LIT:624335-1 014657-158498

6. Pennsylvania is a fact pleading, rather than notice, state. Thus, the pleadings should conform to the elements necessary to state a cause of action. Id.

7. In Paragraph 4 of the Complaint, Complainant checks the boxes for “incorrect charges” on his bill and “other.” However, Complainant fails to attach any copies of any bills that he is disputing, nor does he state the billing time periods that are allegedly incorrect. Instead, he merely states that “you have all dates.” The Complaint also fails to state any other acts or omissions of Duquesne Light that Complainant disputes.

8. As Administrative Law Judge Colwell has recently explained:

“Incorrect charges are on my bill,” listed on the formal complaint form, along with the directive to supply more detail, is meant to be the starting point for the Complainant to provide specific details, such as, what are the incorrect charges, and on which bill or bills do they appear? That information would give the utility a place to check its records. Without the information, the utility is unable to formulate a valid response without guessing and assuming facts not provided. A respondent is not required to guess whether the Complainant means to allege something, and it is also possible that a respondent will guess the wrong basis of the complaint.

Louigens Piller, C-2013-2365623, 2013 WL 3971559, at *2 (July 29, 2013).

9. In this case, Complainant has been a customer of Duquesne Light since 2005, meaning that Duquesne Light has approximately 17 years of customer records for Complainant. Because Complainant’s allegations are so vague, Duquesne Light cannot respond or even investigate without speculating as to what bills, dates of service, acts, or omissions that Complainant is disputing during the 17 years that he has been a customer

10. Additionally, in Paragraph 5 of the Complaint, wherein Complainant is required to explain his requested relief, Complainant again fails to state any specific bills, time periods, or actions of Duquesne Light that would warrant him any type of relief. Again, based Complainant’s allegations in Paragraph 5, Duquesne Light is unclear as to the bills, dates of service, acts, or omissions that Complainant is disputing.

11. In fact, the Complainant as a whole is so vague that Duquesne Light cannot properly prepare a meaningful response thereto.

12. The Commission regularly dismisses complaints for insufficient specificity when a complainant fails to allege "clear and concise statement of the act or omission being complained of as well as a clear and concise statement of the relief sought as required by the Commission's regulations." Alice Ann Belmonte-Gates, F-2012-2332583, 2013 WL 596066, at *8 (Jan. 24, 2013) (J. Cheskis) (citing 52 Pa. Code §§ 5.22(a)(3)).

13. Here, the Complaint lacks the required specificity for a pleading.

14. For these reasons, the Complaint against Duquesne Light should be dismissed.

WHEREFORE, Duquesne Light Company respectfully requests that the Commission sustain its Preliminary Objections and dismiss the Complaint against Duquesne Light with prejudice.

TUCKER ARENSBERG, P.C.



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